

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/013184

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	7,15
	No: Claims	1-6,8-14
Inventive step (IS)	Yes: Claims	7,15
	No: Claims	-
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	-

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

1 Reference is made to the following documents:

D1: US 4 871 574 A (YAMAZAKI ET AL) 3 October 1989

D2: EP 1 325 682 A (NESTLE SA) 9 July 2003

D3: DATABASE WPI Section Ch, Week 199510 Derwent Publications Ltd.,
London, GB; Class D13, AN 1995-069051, XP002029006 & HU 66929 A
(HUNYADI M) 30 January 1995

D4: EP 0 850 569 A (NESTLE SA) 1 July 1998

D5: US 4 855 137 A (KERI ET AL) 8 August 1989

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document **D1** discloses in c. 8 l. 16-27 and c. 6 l. 22-44 a process in which Jerusalem artichoke is dried at 70-90 °C in 15 minutes (less than a week).

Note: It is inherently and also supported by the application, that drying of plants rich in glucosamine generates free glucosamine. The fact that **D1** does not specifically disclose glucosamine is irrelevant in this case.

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 3 and 8 is not new in the sense of Article 33(2) PCT. The reasoning of §2.1 can be applied *mutatis mutandis* to the independent claims 3 and 8.

The attention of the applicant is also drawn to the fact that other documents are relevant to the novelty/inventive step of this claim. For instance **D2-D4**.

3 INDEPENDENT CLAIM 4

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 4 is not new in the sense of Article 33(2) PCT.

Document **D2** discloses in example 3 that dried chicory is used in pet food in order to have a positive effect on bone and cartilage health and to increase the mobility.

4 DEPENDENT CLAIMS 2, 5, 6, 9-14

Dependent claims 2, 5, 6, 9-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 INDEPENDENT CLAIM 15

- 5.1 None of the cited documents neither disclose the use of glucosamine-containing composition in a hair/skin care product nor suggest the skilled person to produce such composition.

The independent claim 15 is therefore new and involves an inventive step (Art. 33(2) and (3) PCT).

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